

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the Application of

Volker KETTLER et al

Serial No.: 09/821,802

Filed: March 30, 2001

For: PARQUET BOARD



On Appeal from:

Group Art Unit: 3637

Examiner: P. Tran

REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

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Dear Sir:

Appellants submit this Reply Brief pursuant to 37 C.F.R. 1.193(b).

Related Appeals and Interferences

The Examiner's statement regarding "Related Appeals and Interferences" as contained in paragraph 2 of the Examiner's Answer is erroneous.

As set forth in paragraph 2 of Appellants' Opening Brief, Appellants stated "there are no related appeals or interferences known to appellants, appellants' legal representative or the assignee, which will directly affect or be directly affected by, or have a bearing on, the Board's decision on impending appeal" (emphasis added). Thus, the Examiner's Answer in this regard is erroneous and should be disregarded.

Issues

Appellants disagree with the Examiner's statements regarding the issues in this appeal.

Appellants also note the Examiner has withdrawn both the rejection under 35 U.S.C. §112, as well as the rejection of claim 13 under 35 U.S.C. §103(a) (See, Examiner's Answer, page 7, lines 10-11 and page 8, lines 8-14).

Initially, although appellants' statement listed as the first issue "whether the examiner committed reversible error in asserting that the term 'said top end' renders claim 13 indefinite under 35 U.S.C. §112," there is no longer an issue insofar as the Examiner has conceded (the Examiner's Answer, page 7, under heading (11) response to argument, first paragraph) "with respect to applicants' argument to 112, 2nd paragraph, for claim 13, argument is persuasive. 112, 2nd paragraph, rejection to claim 13 is hereby withdrawn."

With regard to the second issue, appellants agree that claim 13 should have been added in the listing of claims of the rejection of claims 2-3, 5-6, 10-11 and 13 under 35 U.S.C. §102(b) as being anticipated by Moriau, et al.

However, the Examiner erroneously states the third issue insofar as the final rejection, page 4, paragraph 4, states "claims 12, 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Moriau, et al (6,006,486) in view of Roy et al (6,216,409)." The Examiner no longer rejects claim 13 under the provisions of 35 U.S.C. §103(a) over the combination of Moriau et al in view of Roy et al (Examiner's Answer, page 8, lines 8-14). Appellants respectfully submit that there is no legal basis for rejecting claim 12 (which is a dependent claim dependent on claim 13) under 35 U.S.C. §103(a) if there is no rejection of the independent claim 13 on the basis of 35 U.S.C. §103(a). Therefore, Appellants disagree with the Examiner's statement of the third issue.

Grouping of Claims

Appellants disagree with the Examiner's grouping of claims. While the Examiner's grouping of claims appears to be incomprehensible (i.e., claim 12, which is the subject matter of an appeal is not even listed), the Examiner's listing does not even identify which claims are to be grouped together and which claims are to be separately grouped. Accordingly, Appellants stand by the statement of the grouping of claims as set forth in its opening Brief.

Grounds of Rejection

In the Examiner's Answer on page 3 under the heading (10) grounds of rejection, the Examiner has self-servingly inserted a statement "applicant has clearly pointed out that only a single board is claimed. The claims below will, thus, be examined in scope accordingly," but does not refer to any authority for that allegation. Appellants respectfully submit that only the prosecution history and the claim language limits the scope of the claims.

Response to Specific Arguments

A. In response to the Examiner's rejection of claims 2-3, 5-6, 10-11 and 13 under 35 U.S.C. §102(b) as allegedly being anticipated by Moriau et al (U.S. Patent 6,006,486), it is elementary patent law that to anticipate every recited limitation of the claimed invention must be found in a single prior art reference; *EMI Group North America, Inc. v. Cypress Semiconductor Corp.*, 268 F.3d 1342, 1350, 60 USPQ 2d 1423 (Fed. Cir. 2001).

In developing his alleged case of anticipation under 35 U.S.C. §102(b) of independent claim 13 (along with dependent claims 2, 3, 5, 6, 10 and 11) over Moriau et al, the Examiner has relied upon a marked-up copy, which the Examiner entitled "Appendix B" marked by him during prosecution to show the allegedly anticipatory features of the reference.

Appellants have included a copy of Appendix B as an appendix to their opening Brief and attention herein is directed to that Appendix although a duplicate copy is provided for the Board's convenience as an attachment to this Reply Brief.

In Appellants' opening Brief, Appellants noted various features of independent claim 13, which were missing from the relied upon Figs. 5-7 of the cited Moriau reference (Appendix B); See, page 6 of Appellants' Opening Brief.

Attention is herein directed specifically to the recitation "a gradation is provided on the bottom groove cheek which widens only a portion of the groove and a tapered surface is provided between said widen portion of the groove and the remainder of the groove." Appellants had previously pointed out that "nothing of this kind is shown in the cited reference." In the Examiner's Answer, the Examiner states (Answer, page 9, penultimate paragraph):

"With respect to Applicants' argument that Moriau et al does not provide a gradation within the groove and, thus, does not widen a section of the groove, Examiner respectfully disagrees. As pointed out above in the rejection, Moriau et al shows a gradation WP that widens a section of the groove. The combination, thus, reads on Applicants' claim limitations. The argument is thus moot."

However, if the Board will pay attention to the Examiner's marked-up copy of the Moriau reference as shown in Appendix B of Appellants' Opening Brief, the Examiner points out that "a gradation (WP, Appendix B) being provided on the bottom groove cheek widens only a portion of the

groove” (Final Rejection, as restated on page 4 of the Examiner’s Answer). WP as marked by the Examiner in Appendix B can be found on Fig. 5 of Appendix B and does not occupy the position as recited in Appellants’ claim 13. Rather, as Appellants have specifically recited “the tapered surface is provided between said widened portion of the groove and the remainder of the groove” and there is no tapered surface between “WP” as penciled in by the Examiner and the remainder of the groove of Moriau et al. There is, of course, no tapered surface appearing between WP and the remainder of the groove. Although the Examiner alleges that a tapered a surface exists, i.e., TP in Appendix B, it is clear that TP is not in a position between WP and the remainder of the groove. Accordingly, even if the Board were to accept the Examiner’s reading that WP is analogous to the claimed gradation, it is not in a position such that the tapered surface is provided between the widened portion of the groove and the remainder of groove. Thus, the lack of even this one limitation negates the allegation of anticipation over Moriau et al.

Furthermore, however, Appellants further pointed out that claim 13 specifically contains the following language “the tongue is provided in its root portion with a section of greater thickness than the remainder of the tongue forming a thicker tongue portion, the thickness of the remaining portion of the tongue being connected to said thicker tongue portion via a linear tapered surface.” There is no corresponding structure in the cited Moriau et al reference.

In the statement of the Examiner as set forth in the Final Rejection, the Examiner alleges that “the tongue being provided in its root portion with a section of greater thickness than the remainder of the tongue forming a thicker tongue portion (RP, Appendix B).” However (referring the Board’s

attention again to the Examiner's marked-up Appendix B), RP as shown therein is not the root portion of the tongue.

As set forth in Webster's New Collegiate Dictionary, G. & C. Merriam Company, Springfield, Massachusetts, U.S.A., 1973, "root" is defined as "the lower part: base . . . the part by which an object is attached to something else." As shown in Appellants' drawings and as described in the specification, page 3, last paragraph, "tongue 14 is correspondingly provided in its root portion, i.e., where it joins with left board 10, lip portion 40 of greater thickness" By contrast, it can clearly be seen that the Examiner's drawing of "RP" in Appendix B does not even encompass the root portion described by Appellants, i.e., the portion of the tongue where it joins the remainder of the board. Rather, the Examiner concentrates only on the projection 38 extending from the tongue, which is not even a portion of the root of the tongue, but is displaced outwardly toward the distal edge of the tongue from the root portion. When the Board examines the Examiner's allegation, it can be clearly shown that the root portion of the tongue of Appendix B is not any wider than the remainder of the tongue (excluding the projection), whereas Appellants had clearly disclosed, described and illustrated a root portion of the tongue being wider than the remainder of the tongue in both of its drawings figures and in the written description accompanying the same. Thus, at least these two features are missing from the cited Moriau et al reference, defeating any allegation of anticipation.

Still further, however, Appellants' claim 13 further continues "during assembly of a parquet board with the adjacent parquet board . . . and the upper surface of a parquet board can be laid jointlessly with an upper surface of an adjacent parquet board." This kind of connecting between two parquet boards in Moriau et al is simply not possible.

In the claimed invention, the bottom groove cheek is shorter than the top groove cheek (Claim 13). This is clearly illustrated in Applicants' drawings, such that a jointlessly laid juxtaposition of panels 10 and 12 can be achieved; See, page 3, 2nd full paragraph of Applicants' written specification, especially note position 22 as described therein in comparison to Appellants' drawings Figs. 1 and 2.

By contrast, the Examiner's marked-up Appendix B, Fig. 7 of Moriau et al, clearly shows that panels 8 do not form a jointless upper surface but, rather, have a gap into which moisture, dirt and other debris can enter, making not only the existence of the gap unsightly, but the gap filled in with such dirt or debris further renders the Examiner's proposed modification of Moriau et al by his inversion of the figures in Appendix B further removed from Appellants' limitations as specifically claimed in independent claim 13. Having failed to show that Moriau expressly (or inherently) teaches every limitation the claimed invention, the allegation that the claims are anticipated by Moriau et al can simply not be sustained.

B. The Examiner's Answer is silent as to Appellants' arguments regarding claim 10. Claim 10 further specifies the provision of a small gap between the tapered surfaces on the groove and on the tongue when the board is in an assembled position with at least one adjacent board; See, opening Brief, page 8, "2. Dependent Claim 10." As the Examiner has not addressed Appellants' arguments in his Brief, the rejection cannot be sustained.

Rejections Under 35 U.S.C. §103(a)

In order to sustain a rejection under 35 U.S.C. §103(a), the Examiner must not only show the existence of limitations in the various applied references, but the Patent and Trademark Office must also show some objective teaching in either the prior art, or knowledge generally available to one of ordinary skill in the art, that would lead that individual to combine the relevant teachings of the references; See, *Ex Party Levensgood*, 28 USPQ 2d, 1300, 1302, BPAI 1993:

“Our reviewing courts have often advised the Patent and Trademark Office that it can satisfy the burden of establishing a *prima facie* case of obviousness only by showing some objective teaching either in the prior art, or knowledge generally available to one of ordinary skill in the art, that ‘would lead’ that individual ‘to combine the relevant teachings of the references.’” *In re Fine*, 837 F.2d 1071, 5 USPQ 2d 1596 (Fed. Cir. 1988). *In re Newell*, 891 F.2d 899, 13 USPQ 2d 1248 (Fed. Cir. 1989). Accordingly, an Examiner cannot establish obviousness by locating references which describe various aspects of a patent applicant’s invention without also providing evidence of the motivating force which would impel one skilled in the art to do what the patent applicant has done.”

As Appellants have pointed out in the opening Brief, the Examiner initially inverts, i.e., turns upside down, drawings Figs. 5, 6 and 7 of Moriau et al, thereby placing the decorative upper surface on the bottom surface of Appendix B and placing the lower surface on the upper surface.

As noted hereinabove, such an “inversion” not only defeats the purpose of the boards of Moriau, i.e., in order to accomplish the so-called inversion, the Examiner creates an unsightly gap between the panels of the upper surfaces thereof. As noted hereinabove, not only the gap itself unsightly, deteriorating the formation of a decorative floor but, also, the gap permits degrading elements, such as moisture and dirt, to enter into the gap thereby further degrading the decorative surface of the floor. Moreover, and more importantly, the Examiner has not satisfied his burden of showing the motivation that would have led one of ordinary skill in the art to invert the floor panels of Moriau et al. As the

Federal Circuit educated the United States Patent and Trademark Office in *In re Lucas S. Gordon et al*, 733 F.2d 900, 221 USPQ 1125 (1984):

“The question is not whether a patentable distinction is created by viewing a prior art apparatus from one direction and a claimed apparatus from another, but, rather, whether it would have been obvious from a fair reading of the prior art reference as a whole to turn the prior art apparatus upside down. French [the reference] teaches a liquid strainer which relies, at least in part, upon the assistance of gravity to separate undesired dirt and water from gasoline and other light oils. Therefore, it is not seen that French would have provided any motivation to one of ordinary skill in the art to employ the French apparatus in an upside down orientation. The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification. (Citations omitted). Indeed, if the French apparatus were turned upside down it would be rendered inoperable for its intended purpose . . . further, unwanted dirt would build up in the space between of shell 1 and screen 21, so that, in time, screen 21 would become clogged unless a drain valve, such as pet-cock 13 were re-introduced that the new “bottom” of the apparatus. (Citations omitted). In effect, French teaches away from the Board’s proposed modification.”

In his Examiner’s Answer, the Examiner only points out that the Examiner could do what he has done, i.e., “flipped” or inverted the board of Moriau et al as he has done in the Examiner’s Appendix B. However, the Examiner has not addressed, and cannot address, why such inversion would have been obvious to one having ordinary skill in the art. To the contrary, Appellants have pointed out why the inversion would defeat the purpose of Moriau, i.e., by making the provision of gaps into which moisture and unwanted dirt and debris could enter between the panels. Thus, like the case of *In re Gordon, supra*, the Examiner has failed to establish a *prima facie* case of obviousness by failing in his burden of showing as to why such inversion would have been obvious to the worker having ordinary skill in the art. Accordingly, the rejection fails to establish a *prima facie* case of obviousness and withdrawal of the rejection is respectfully requested.

Appellants also point out that its argument regarding the failure of the relationship of the widened portion (analogous to WP) in Appendix B is in the wrong position relative to the tapered portion (TP) of the Examiner's Appendix B have never been addressed by the Examiner and the failure to so address such allegations is a separate reason for reversing the Examiner's rejection under 35 U.S.C. §103(a).

So to, the Board has ample authority to reverse the Examiner's rejection because he never addressed the specific limitation that the root portion of Appellants' tongue is wider than the remainder of the tongue. The Examiner has never even responded to this allegation, but looks to a portion of the tongue which is not the root of the tongue but, rather, intermediate the root and distal ends and, hence, not analogous to the claimed invention. All these deficiencies clearly provide the Board with ample reasons to reverse the rejection under 35 U.S.C. §103(a) insofar as the Examiner made a reversible error therein.

The rejection of claims 4 and 13-14 under 35 U.S.C. 103 over Tsai in view of Moriau et al is similarly erroneous.

Appellants have argued that Tsai does not show a parquet board to which the Examiner has stated that "parquet" board is defined as "the main floor of a theater." While Appellants do not disagree with this asserted definition as one for "parquet," the Examiner then departs from the definition he previously provided and broadens the definition to include "insulating boards" of Tsai which are not used as the main floor of a theater. Thus, even after attempting to broaden the common use of the term "parquet board," the Examiner has failed to bring the teachings of Tsai within the Examiner's own dictionary definition. In other words, while some floors, e.g., the floor of a theater, may be parquet, not

all floors are parquet. Thus, since there is no teaching in Tsai of a theater floor, it does not fit within the Examiner's definition of parquet. Thus, this allegation that the rejection fails because of the Examiner's failure to cite a teaching reference goes unchallenged.

With regard to element 19 of Tsai, especially as shown in Figs. 1-4, the Examiner argues that "ridge 19 having a linear tapered surface extending from a horizontal surface" (page 9 of the Examiner's Answer, lines 7-8). However, again the Examiner is only looking at a portion of the claim without considering the limitations *in toto*. Again, Appellants respectfully direct the Board's attention to independent claim 13 and the limitation "the tongue is provided in its root portion with a section of greater thickness than the remainder of the tongue forming a thicker tongue portion, the thickness in the remaining portion of the tongue being connected to said thicker tongue portion via a linear tapered surface . . ." is simply not found in Tsai nor addressed by the examiner.

The Examiner had apparently recognized that Tsai shows a "smaller thickness of the tongue" which would be that portion of the tongue 14 above the recess 18 as described by Tsai at column 2, lines 35-38 in relation to Fig. 1. However, as shown in the cross section of Fig. 2, element 19 of Tsai (whether tapered or not) is clearly not in a position "bridging" the "smaller thickness of the tongue" to the thicker tongue portion. In fact, element 19 is positioned remote from the "smaller thickness of the tongue" and can only be seen as a "bridge" if one were to regard a "bridge" as including a cantilever portion with no terminus at the "smaller thickness of the tongue."

Thus, despite the Examiner's apparent attempt to distort, twist and redefine the clear teachings of the reference, the limitations recited in Applicants' independent claim 13 remain as features missing from the cited prior art.

Conclusion

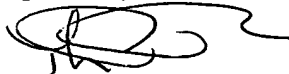
Accordingly, for the reasons set forth therein, Appellants respectfully submit that the Examiner has failed to establish that Moriau et al either expressly (or inherently) teaches each and every limitation of the claims and, thus, fails to anticipate the claims under 35 U.S.C. §102(b).

In addition, the Examiner has failed to provide a motivation for making the proposed modification of Moriau et al in combination with Roy, nor to establish a *prima facie* case of obviousness under 35 U.S.C. §103(a).

Lastly, Appellants respectfully submit that they have demonstrated that the Examiner has failed to show that the Tsai in view of Moriau et al references teach the limitations set forth in Appellants' claims and, therefore, even if the references were combined, the resulting combination would still fail to establish a *prima facie* case of obviousness for the claimed invention.

In view of the foregoing, reversal of all rejections is respectfully requested.

Respectfully submitted,



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Attachments:

Copy of Appendix B
Copy of New Collegiate Dictionary (p. 1005)

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Date: June 7, 2004



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and profuse ornaments

pl ro-mans-flueves
[v] : a distinctively
synging chronicle of a

uchery or of sadistic
multitudinous disturbance

of RUMANIAN
Romanic *n*
CATHOLICISM — often

c — often taken to be
culture, or law of ancient
-ma-'nis-tik' *adj*
1 often *cap* : to make
(as a language) in the
za-tion 'ro-ma-na-'za-

of the ancient Romans
based on the traditional
and in form comprises
senate, enactments of
gs of the jurisconsults

em of notation that is
NUMBER table
n. fr. *L. Romanus* : a
rmanian

: a letter on doctrine
me and included as a
ble
'manch' *n* [Romansh
spoken in the Grisons,

ntique, fr. obs. *romant*
g of or resembling a
INARY 3: impractical
marked by the imagine-
adventurous, remote
elating to, or having the
elating to music of the
on subjective emotional
relating to a composer
for romance b: AB-
tuting passionate love
of the hero esp. in a light
ly

or component 2 *cap*
-oc-

1: the quality or state
a literary, artistic, and
18th century, character-
ism and an emphasis on
esp. in English literature
ical material, an exalta-
tion, an appreciation of
ote, a predilection for
verse forms (2) : an
or practice of romantic
t -sast' *n*, often *cap*
-cizing *vi* : to make
2: to present details
— ro-man-ti-ci-za-tion

anies [Romany *romani*
nba man of a low caste
language of the Gypsies

MF *romant* *archaic*

blend of *Romney*, *Ram-*
merican breed of utility
and producing a quickly

yo' *n*, *pl* Ro-me-os
iliet who dies for love of

for the letter *r*
c — usu. used disparag-

28 *n*
ney Marsh, pasture tract
of hardy long-wooled
p or marshy regions

imp: partly alter. of *romp*
sp: a romping girl or
1: an easy winning pace
a boisterous manner 2
er 3: to win easily
it romps 2: a one-piece
part shaped like bloomers

of Mars and legendary

aux -(.)döz, 'döz [MF
if verse running on two
8 or 10 syllables divided
ords of the first line of the
ond and third stanzas
orm 2: a monophonic

rondeau re-dou-blé 'rā-dü-blā' *n*, *pl* rondeaux redoublés
'sāmē [F. lit., double rondeau] 1: a fixed form of verse running
on two alternating rhymes that usu. consists of five quatrains in
which the lines of the first quatrain are used consecutively to end
each of the remaining four quatrains which are in turn sometimes
followed by an envoi of four lines that terminates with the opening
words of the poem 2: a poem in the rondeau redoublé form
ron-del 'rān-dēl, 'rān-dēl' or **ron-delle** 'rān-dēl' *n* [ME, fr. OF,
lit., small circle — more at **ROUNDEL**] 1 *usu* *ron-delle*: a circular
object 2 *usu* *ron-delle*: a fixed form of verse running on two
rhymes and consisting usu. of 14 lines of 8 or 10 syllables divided
into three stanzas in which the first two lines of the first stanza serve
as the refrain of the second and third stanzas b: a poem in this
form c: **RONDEAU**

ron-de-let 'rān-dā-'let, 'lā' *n*: a modified rondeau running on
two rhymes and consisting usu. of seven lines in which the first line
of four syllables is repeated as the third line and as the final line
and the remaining lines are made up of eight syllables each
ron-do 'rān-(.)dō, 'rān-'dō *n*, *pl* rondos [It *ronda*, fr. MF *rondeau*]
1: an instrumental composition typically with a refrain recurring
four times in the tonic and with three couplets in contrasting keys
2: the musical form of a rondo used esp. for a movement in a
concerto or sonata

ron-dure 'rān-jar, -(.)d(y)ü(s)r' *n* [F *rondeur* roundness, fr. MF,
fr. *ron* round, fr. OF *roont* — more at **ROUND**] 1: **ROUND** la 2

: gracefully rounded curvature
ron-nel 'rān-'n [fr. *Ronnel*, a trademark]: an organophosphate
C₁₂H₁₁Cl₃O₃PS that is used esp. as a systemic insecticide to protect
cattle from pests

rontgen var of **ROENTGEN**

ron-yon 'rān-jan, 'rān-' *n* [perh. modif. of F *rogne* scab] *obs*
: a mangy or scabby creature

rood 'rūid' *n* [ME, fr. OE *rōd* rod, rood; akin to OHG *ruota* rod,
OSlav *ratiti* shaft of a lance] 1: a cross or crucifix symbolizing
the cross on which Jesus Christ died; *specif*: a large crucifix on a
beam or screen at the entrance of the chancel of a medieval church
2 a: any of various units of land area; *esp*: a British unit equal
to 1/4 acre b: any of various units of length; *esp*: a British unit
equal to seven or eight yards or sometimes a rod

roof 'rūf, 'rūf' *n*, *pl* roofs 'rūfs, 'rūfs also 'rūvz, 'rūvz [ME, fr.
OE *hrōf*; akin to ON *hrōf* roof of a boathouse, OSlav *strop* roof]
1 a: the cover of a building b: DWELLING, HOME c: ROOFING
2 a (1): the highest point: SUMMIT (2): CEILING 5 b: some-
thing resembling a roof in form or function 3 a: the vaulted
upper boundary of the mouth b: a covering structure of any
various parts of the body <~ of the skull> — **roofed** 'rūft, 'rūft
adj — **roof-less** 'rūf-ls, 'rūf-' *adj* — **roof-like** 'dīk, 'dīk
adj

roof *vi* 1: to cover with or as if with a roof b: to provide (a
roof) with a protective exterior 2: to constitute a roof over —
roof-er *n*

roof garden *n*: a restaurant at the top of a building usu. with
facilities for music and dancing

roofing *n*: material for a roof

roof-line 'rūf-līn, 'rūf-' *n*: the profile of a roof (as of a house)

roof-top 'rūf-'tāp, 'rūf-' *n*: ROOF; *esp*: the outer surface of a usu. flat
roof <sunning themselves on the ~>

Roof-top *adj*: situated on a rooftop

roof-tree 'rūf-trē, 'rūf-' *n*: RIDGEPOLE

rook 'rūk' *n* [ME, fr. OE *hrōc*; akin to OE *hræfn* raven — more
at **RAVEN**]: a common Old World gregarious bird (*Corvus frugile-*
sus) about the size and color of the related American crow

rook *vi* : to defraud by cheating or swindling

rook n [ME *rok*, fr. MF *roc*, fr. *Ar. rukkkh*, fr. *Perj*]: either of two
pieces of the same color in a set of chessmen having the power to
move along the ranks or files across any number of unoccupied
squares — called also *castle*

rook-ery 'rūk-ē-ri, 'rūk-' *n*, *pl* -eries 1 a: the nests or breeding place
of a colony of rooks; *also*: a colony of rooks b: a breeding
ground or haunt of gregarious birds or mammals; *also*: a colony
of such birds or mammals 2: a crowded dilapidated tenement or
group of dwellings 3: a place teeming with like individuals

rook-ie 'rūk-ē *n* [perh. alter. of *recruit*] 1: RECRUIT. *also*
2: NOVICE 2: one who is in his first year of participation in a
major professional sport

rooky 'rūk-ē *adj*: full of or containing rooks

room 'rūm, 'rūm' *n* [ME, fr. OE *rūm*; akin to OHG *rūm* room,
L. *ru-* *rus* open land] 1: an extent of space occupied by or
sufficient or available for something <houseplants that take up very
little ~> <in the country where there is ~ to run and play> <make
~ for me to squeeze by> 2 a *obs*: a place or station assigned
or in a hierarchy b: POST b: a place or station formerly occupied
by another 3 a: a partitioned part of the inside of a building; *esp*
: such a part used as a lodging b: the people in a room 4
: a suitable or fit occasion: OPPORTUNITY <left no ~ for doubt>

room *vi* : to occupy a room ~ *vi* : to accommodate with lodgings

room and board *n*: lodging and food usu. specifically earned or
furnished

room-er 'rū-mār, 'rūm-' *n*: LODGER

room-ette 'rū-met, 'rūm-'et' *n*: 1: a small private single room on
a railroad sleeping car 2: a small room (as in a dormitory)

room-ful 'rūm-fūl, 'rūm-' *n*: as much or as many as a room will
hold; *also*: the persons or objects in a room

rooming house *n*: LODGING HOUSE

room-mate 'rūm-māt, 'rūm-' *n*: one of two or more persons
occupying the same room

roomy 'rū-mē, 'rūm-' *adj* **room-i-er**; **est** 1: having ample
room: SPACIOUS 2 of a female mammal: having a large or
well-proportioned body suited for breeding — **room-i-ness** *n*

roor-back 'rū-(.)r-bak, 'rū-' *n* [fr. an attack on James K. Polk in 1844
purporting to quote from an invented book by a Baron von
'Roorkback'] : a defamatory falsehood published for political effect

roose 'rūz' *vi* [ME *rusen*, fr. ON *hrōsa*] chiefly dial: PRAISE

roost 'rūst' *n* [ME, fr. OE *hrōst*; akin to MD *roest* roost, OSlav
krada pile of wood] 1 a: a support on which birds rest b
: a place where birds customarily roost 2: a group of birds (as
fowl) roosting together

roost *vi* 1: to settle down for rest or sleep: PERCH 2: to settle
oneself as if on a roost ~ *vi* : to supply a roost for or put to roost
roost-er 'rūs-īr also 'rūs-' *n* 1 a: an adult male domestic fowl
: COCK b: an adult male of various birds other than the domestic
fowl 2: a cocky or vain person

root 'rūt, 'rūt' *n*, often *attrib* [ME, fr. OE *rōt*, fr. ON; akin to OE
wyrt root, L. *radix*, Gk. *rhiza*] 1 a: the usu. underground part of
a seed plant body that originates usu. from the hypocotyl, functions
as an organ of absorption, aeration, and food storage or as a means
of anchorage and support, and differs from a stem esp. in lacking
nodes, buds, and leaves b: any subterranean plant part (as a true
root or a bulb, tuber, rootstock, or other modified stem) esp. when
fleshy and edible 2 a: the part of a tooth within the socket — see
TOOTH illustration b: the enlarged basal part of a hair within the
skin c: the proximal end of a nerve d: the part of an organ or
physical structure by which it is attached to the body <the ~ of the
tongue> 3 a: something that is an origin or source (as of a
condition or quality) <the love of money is the ~ of all evil> — 1 Tim
6:10 (AV) b: one or more progenitors of a group of descen-
dants c: an underlying support: BASIS d: the essential core
: HEART e: close relationship with an environment: TIE — usu.
used in pl. 4 a: a quantity taken an indicated number of times
as an equal factor <2 is a fourth ~ of 16> b: a number that
reduces an equation to an identity when it is substituted for one
variable 5 a: the lower part: BASE b: the part by which an
object is attached to something else 6: the simple element
inferred as the basis from which a word is derived by phonetic
change or by extension (as composition or the addition of an affix
or inflectional ending) 7: the tone from whose overtones a chord
is composed: the lowest tone of a chord in normal position *syn*
see ORIGIN — **rooted** 'rūd- *adj* — **root-like** 'dīk, 'dīk *adj*

root *vi* 1 a: to furnish with or enable to develop roots b: to fix
or implant by or as if by roots 2: to remove altogether often
by force <~ out dissenters> ~ *vi* 1: to grow roots or take root
2: to have an origin or base

root *vb* [ME *wroten*, fr. OE *wrotan*; akin to OHG *ruozan* to root]
vi 1: to turn up or dig in the earth with the snout: GRUB 2
: to poke or dig about ~ *vi* : to turn over, dig up, or discover and
bring to light — usu. used with *out*

root 'rūt also 'rūt' *vi* [perh. alter. of *root*] 1: to noisily applaud
or encourage a contestant or team: CHEER 2: to wish the success
of or lend support to someone or something — **root-er** *n*

root-age 'rūt-ij, 'rūt-' *n* 1: a developed system of roots 2
: ROOT 3a

root beer *n*: a sweetened effervescent beverage flavored with
extracts of roots and herbs

root cap *n*: a protective cap of parenchyma cells that covers the
terminal meristem in most root tips

root cellar *n*: a pit used for the storage esp. of root crops

root crop *n*: a crop (as turnips or sweet potatoes) grown for its
enlarged roots

root-ed-ness 'rūt-əd-nəs, 'rūt-' *n*: the quality or state of having
roots

root graft *n* 1: a plant graft in which the stock is a root or piece
of a root 2: a natural anastomosis between roots of compatible
plants

root hair *n*: a filamentous extension of an
epidermal cell near the tip of a rootlet that
functions in absorption of water and minerals

root-hold 'rūt-hōld, 'rūt-' *n* 1: the anchorage
of a plant to soil through the growing and
spreading of roots 2: a place where plants may
obtain a roothold

root knot *n*: a plant disease caused by nema-
todes that produce characteristic enlargements
on the roots and stunt the growth of the plant

root-knot nematode *n*: any of several small
plant-parasitic nematodes (genus *Meloidogyne*)
that cause root knot

root-less 'rūt-ls, 'rūt-' *adj*: having no roots
<~ nomads> — **root-less-ness** *n*

root-let 'rūt-lēt, 'rūt-' *n*: a small root

root-mean-square *n*: the square root of the
arithmetic mean of the squares of a set of numbers

root pressure *n*: the chiefly osmotic pressure by which water rises
into the stems of plants from the roots

root rot *n*: a plant disease characterized by a decay of the roots

root-stalk 'rūt-stōk, 'rūt-' *n*: RHIZOME

root-stock 'rūt-stāk, 'rūt-' *n* 1: a rhizomatous underground part of a
plant 2: a stock for grafting consisting of a root or a piece of
root; *broadly*: STOCK

rooty 'rūt-ē, 'rūt-' *adj*: full of or consisting of roots <~ soil>

ROP *abbr* 1 record of production 2 run-of-paper

rope 'rōp' *n* [ME, fr. OE *rāp*; akin to OHG *reif* hoop] 1 a
: a large stout cord of strands of fibers or wire twisted or braided
together b: a long slender strip of material used as rope <rawhide
~> c: a hangman's noose 2: a row or string consisting
of things united by or as if by braiding, twining, or threading 3 *pl*
: special techniques or procedures <show him the ~s>

rope *vb* **roped**; **rop-ing** *vi* 1 a: to bind, fasten, or tie with a rope
or cord b: to partition, separate, or divide by a rope <~ off the
street> c: LASSO 2: to draw as if with a rope: LURE ~ *vi*
: to take the form of or twist in the manner of rope — **rop-er** *n*

a about a kitten ar further n back ā bake ā cot cart
a out ch chin e less ē easy g gift i trip i life
j joke g sing o flow o flow oi coin th thin th this
ū loot ū foot y yet yū few yū furious zh vision



root hairs on
bean rootlet

EXHIBIT 2 - Appendix B from first Office Action

~~Appendix A~~ = 15

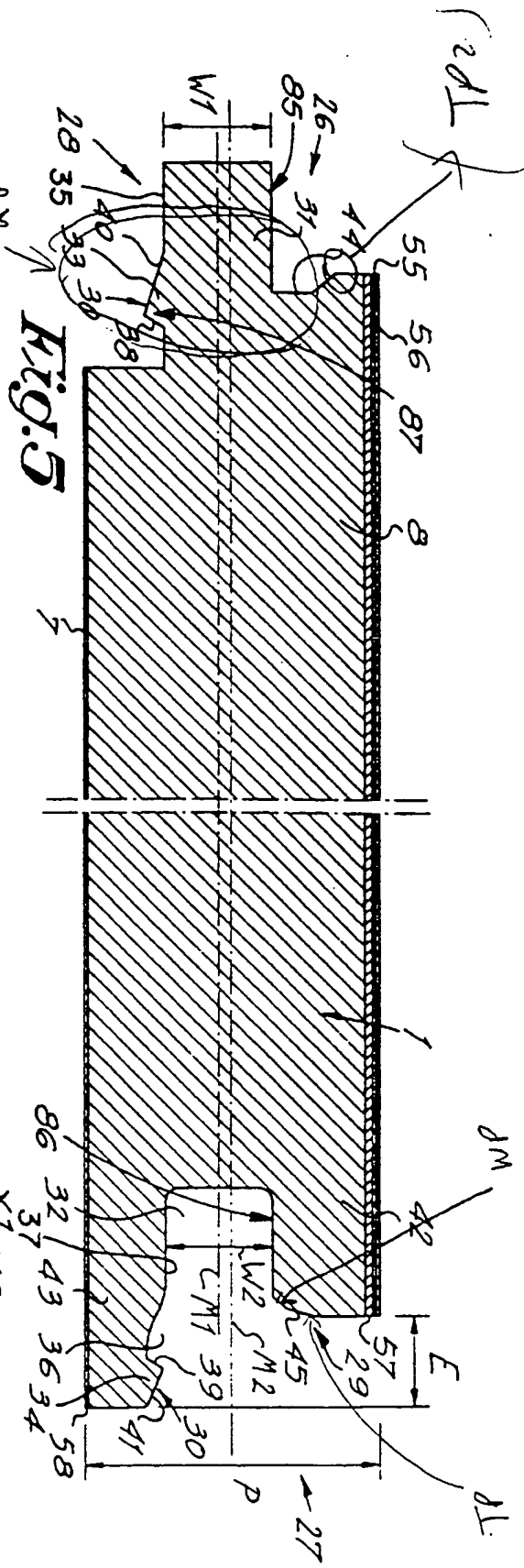


Fig. 5

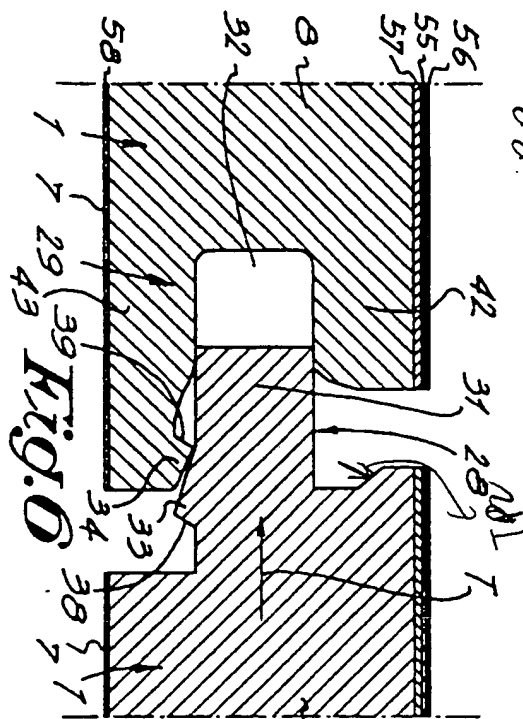


Fig. 6

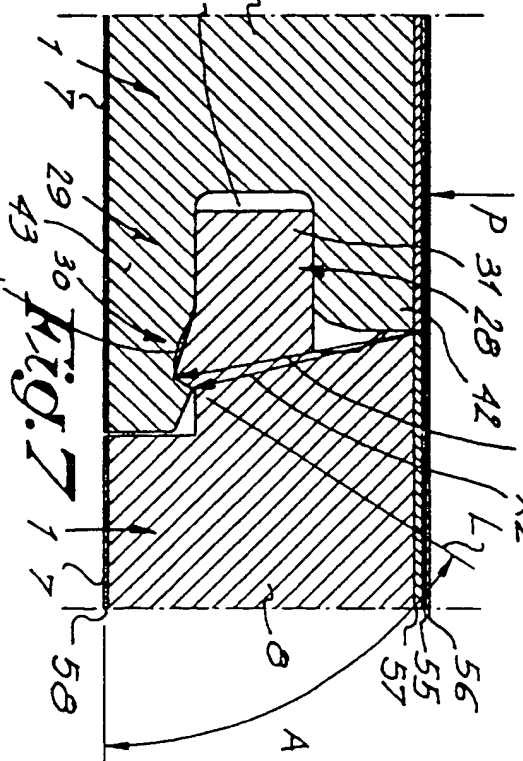


Fig. 7

(2)

Appendix B

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